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8 Attorneys for Defendants
 CITY AND COUNTY OF SAN FRANCISCO,
 HEATHER FONG AND JESSE SERNA

10
 11 UNITED STATES DISTRICT COURT
 12 NORTHERN DISTRICT OF CALIFORNIA

13 MARCO MAESTRINI,

14 Plaintiff,

15 vs.

16 CITY AND COUNTY OF SAN
 17 FRANCISCO, a municipal corporation;
 HEATHER FONG, in her capacity as
 18 Chief of Police for the CITY AND
 COUNTY OF SAN FRANCISCO; JESSE
 19 SERNA, individually, and in his capacity
 as a police officer for the CITY AND
 COUNTY OF SAN FRANCISCO; and,
 20 San Francisco police officers DOES 1-25,
 inclusive,

21 Defendants.
 22

Case No. C 07-2941 PJH MODIFIED
**STIPULATION AND [PROPOSED]
 ORDER TO CONTINUE TRIAL DATE
 AND RELATED PRETRIAL
 DEADLINES**

1 The undersigned parties, through counsel, STIPULATE and AGREE and jointly request
2 modification of the Court's September 28, 2007 Case Management and Pretrial Order and March 14,
3 2008 Order To Extend Time For Court-Ordered Mediation as follows:

4 Deadline for Court-Ordered Mediation: Thursday, December 18, 2008

5 Non-Expert Discovery Cutoff: Monday, January 5, 2009

6 Dispositive Motions to Be Heard By: Wednesday, March 4, 2009

7 Disclosure of Experts (retained and non-retained): Monday, April 13, 2009

8 Disclosure of Rebuttal Experts: Wednesday, April 22, 2009

9 Expert Discovery Cutoff: Friday, May 22, 2009

10 Pretrial Conference: Thursday, June 18, 2009 at 2:30 p.m.

11 Trial Date: Monday, July 6, 2009 at 8:30 a.m., Courtroom 3, 17th Fl.

12 The parties make this request based on the following circumstances:

13 1. Deputy City Attorney David Newdorf, who was previously counsel of record for
14 defendants and was handling all aspect of the above-captioned case, left the San Francisco City
15 Attorney's Office on July 11, 2008.

16 2. Deputy City Attorney Robert A. Bonta recently substituted in for Deputy City
17 Attorney David Newdorf as counsel of record for defendants.

18 3. Deputy City Attorney Robert A. Bonta is still getting up to speed on the case.

19 4. Deputy City Attorney Robert A. Bonta will be taking an approximately three-month
20 parental leave from approximately December 18, 2008 to March 18, 2009.

21 5. Additional discovery is still required to prepare this case for trial. For example, both
22 parties need to conduct depositions, including plaintiff's taking of the deposition of defendant Serna.
23 In addition, the parties need to resolve the issue of discovery of Officer Serna's personnel file records.

24 6. The parties request continuations of the trial date and pretrial deadlines as set forth
25 above.

26 7. The Court in its September 28, 2007 Case Management Order ordered the parties to
27 mediation within 120 days. Pursuant to stipulation of the parties, with the concurrence of Court-

1 appointed mediator Christopher Johns, the parties requested time for discovery that would be
2 necessary in order for mediation to be beneficial. The Court extended the deadline for mediation to
3 May 27, 2008. Other than the aforementioned, there have been no other modifications to the Case
4 Management order. No other dates will be affected by the requested changes.

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1 **SIGNATURE PAGE TO STIPULATION AND [PROPOSED] ORDER TO CONTINUE**
2 **TRIAL DATE AND RELATED PRETRIAL DEADLINES**

3
4 **STIPULATED AND AGREED:**

5 Dated: August 7, 2008

6 DENNIS J. HERRERA
7 City Attorney
8 JOANNE HOEPER
9 Chief Trial Deputy
ROBERT BONTA
SEAN F. CONNOLLY
Deputy City Attorneys

10 By: _____ /s/
11 ROBERT BONTA
12 Attorneys for Defendants
13 CITY AND COUNTY OF SAN FRANCISCO,
HEATHER FONG AND JESSE SERNA

14
15 Dated: August 7, 2008

16 LAW OFFICE OF JOHN L. BURRIS
17 JOHN L. BURRIS
BENJAMIN NISENBAUM

18 By: _____ /s/
19 BENJAMIN NISENBAUM
20 Attorneys for Plaintiff
MARCO MAESTRINI

ORDER

Pursuant to stipulation, and for good cause appearing, IT IS ORDERED that the trial date and pre-trial deadlines be continued as follows:

Deadline for Court-Ordered Mediation: Thursday, December 18, 2008

Non-Expert Discovery Cutoff: Monday, January 5, 2009

Dispositive Motions to Be Heard By: Wednesday, March 4, 2009

Disclosure of Experts (retained and non-retained): Monday, April 13, 2009

Disclosure of Rebuttal Experts: Wednesday, April 22, 2009

Expert Discovery Cutoff: Friday, May 22, 2009

Pretrial Conference: Thursday, June 18, 2009 at 2:30 p.m.

Trial Date: Monday, July 6, 2009 at 8:30 a.m., Courtroom 3, 17th Fl.

DATED: 8/28/08



REQUEST IS GRANTED BUT PARTIES ARE ADVISED THAT THREE OTHER TRIALS ARE SCHEDULED DURING THE 2-WEEK PERIOD NEEDED FOR THIS TRIAL AND THIS ONE WILL NOW BE IN LAST PLACE AND WILL TRAIL ANY OF THE OTHERS THAT ACTUALLY GO FORWARD.